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Proposed Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

ARUZE GAMING AMERICA, INC.,  
  
Debtor.

Case No. 23-10356-abl  
Chapter 11

**AMENDED<sup>1</sup> EMERGENCY EX PARTE APPLICATION FOR ORDER SHORTENING  
TIME TO HEAR DEBTOR'S INITIAL EMERGENCY MOTIONS**

Aruze Gaming America, Inc., a Nevada corporation, as debtor and debtor in possession (the "Debtor"), submits its *ex parte* application (the "Application") for an order shortening time to hear the following initial emergency "first day" motions (collectively, the "Initial Motions") filed in Debtor's chapter 11 bankruptcy case:

1. *Emergency Motion to Approve Yugo Kinoshita as Designated Responsible Person in its Chapter 11 Case* [ECF No. 10];

2. *Emergency Motion for Order Authorizing, but not Directing, the Debtor to: (i) Pay Prepetition Employee Wages, Salaries, and Compensation, Employee Benefit Contributions, and Reimbursement of Business Expenses; and (ii) Authorizing all Financial Institutions to Honor and Process Checks and Transfers Related to Such Obligations* [ECF No. 11];

3. *Emergency Motion for Entry of an Order Authorizing: (I) Continued*

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<sup>1</sup> This application is being amended to remove the reference of a Chapter 11 Subchapter V case.

1 *Use of Existing Cash Management System, (II) Maintenance of Existing Bank*  
 2 *Accounts, and Honoring of Certain Prepetition Obligations Related Thereto; and*  
 3 *(III) Continued Use of Business Forms and Granting Related Relief* [ECF No. 12];

4 4. *Emergency Motion for Entry of an Order Pursuant to 11 U.S.C. §§*  
 5 *105(a) and 366: (I) Prohibiting Utility Providers from Altering, Refusing, or*  
 6 *Discontinuing Service, (II) Deeming the Utility Providers Adequately Assured of*  
 7 *Future Performance, and (III) Establishing Procedures for Determining Requests*  
 8 *for Additional Adequate Assurance* [ECF No. 13]; and

9 5. *Emergency Motion Pursuant to 11 U.S.C. §§ 105, 361, 362, and*  
 10 *506, and Fed. R. Bankr. P. 4001(b) for Entry of Interim and Final Orders (A)(I)*  
 11 *Authorizing the Use of Cash Collateral, and (II) Granting Related Relief, and (B)*  
 12 *Scheduling a Final Hearing* [ECF No. 15];

13 Additionally, the Debtor is filing an *Omnibus Declaration of Yugo Kinoshita in Support of*  
 14 *Debtor's Initial Emergency Motions, and Related Relief* in support of the Initial Motions.

15 This Application is made and based upon Fed. R. Bankr. P. 9006, Local Rule 9006, the  
 16 following points and authorities, the *Declaration of Matthew C. Zirzow, Esq.* (the "Zirzow  
 17 Declaration") included herein, the *Attorney Information Sheet* filed contemporaneously herewith,  
 18 and the papers and pleading on file herein, judicial notice of which is respectfully requested.

19 **Declaration of Matthew C. Zirzow, Esq. in Support of**  
 20 **Ex Parte Application for Order Shortening Time**

21 I, Matthew C. Zirzow, Esq., declare as follows:

22 1. I am over the age of 18, am mentally competent, have personal knowledge of the  
 23 facts in this matter, and if called upon to testify, could and would do so. I am a shareholder with  
 24 the law firm of Larson & Zirzow, LLC, proposed general bankruptcy counsel for the Debtor in the  
 25 above captioned bankruptcy case, and duly licensed to practice law in the State of Nevada.

26 2. Information regarding the Debtor's Business and its reasons for filing for  
 27 bankruptcy protection are in the Omnibus Declaration. The Debtor is requesting that the Initial  
 28 Motions be heard on shortened time and on an emergency basis as necessary to the ongoing  
 operation of the Business post-petition, to stabilize its operations, and to allow for a successful  
 reorganization. In particular, the Debtor has a payroll that must be paid on Friday, February 10,  
 2023, and must be funded in advance to its payroll processing company and also get its bank  
 accounts with Wells Fargo unfrozen before then in order to have the money released, and thus

1 requests an emergency hearing by **no later than Thursday, February 9, 2023, or sooner if at all**  
 2 **possible.**

3 3. The Initial Motions present various typical emergency relief that chapter 11 debtors  
 4 require at the outset of a chapter 11 bankruptcy case, including the following: (a) continuing use  
 5 of alleged cash collateral; (b) authorization to continue to use its existing cash management  
 6 systems; (c) procedures and protections with respect to utility providers; and (d) designation of the  
 7 responsible person.

8 4. Counsel anticipates that the hearings on the Initial Motions will take about 90  
 9 minutes of the Court's time. Counsel has been communicated and all principal parties have already  
 10 secured counsel, as reflected in the attorney information sheet.

11 I declare under penalty of perjury of the laws of the United States that the foregoing is true  
 12 and correct to the best of my knowledge.

13 DATED: February 6, 2023.

14 /s/ Matthew C. Zirzow  
 15 MATTHEW C. ZIRZOW, ESQ.

### 16 Legal Argument

17 Section 105, title 11 of the United States Code (the "Bankruptcy Code") allows this Court  
 18 to issue such orders as are necessary to carry out the provisions of this title. Bankruptcy Rule  
 19 9006(c)(1) permits a Bankruptcy Court, for cause shown and in its discretion, to reduce the period  
 20 during which any notice is given in accordance with the Bankruptcy Rules. Bankruptcy Rule  
 21 9006(c)(1) provides that "when an act is required or allowed to be done at or within a specified  
 22 time by these rules or by a notice given thereunder or by order of court, the court for cause shown  
 23 may in its discretion with or without motion or notice order the period reduced." Fed. R. Bankr.  
 24 P. 9006(c).

25 Local Rule 9006 provides further authority for shortening the time for a hearing.  
 26 According to Local Rule 9006(b), every motion for an order shortening time must be accompanied  
 27 by an affidavit stating the reasons for an expedited hearing. As set forth in the Zirzow Declaration  
 28 and the Omnibus Declaration, there are compelling reasons for an expedited interim hearing on

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1 the Initial Motions.

2 Local Rule 9006 requires the moving party to submit an Attorney Information Sheet  
3 indicating whether opposing counsel was provided with notice, whether opposing counsel  
4 consented to the hearing on an order shortening time, the date counsel was provided with notice  
5 and how notice was provided or attempted to be provided. An Attorney Information Sheet was  
6 filed contemporaneously with this Application.

7 **Conclusion**

8 WHEREFORE, the Debtor requests that the Court grant this Application and issue an  
9 Order Shortening Time to hear the Initial Motions.

10 DATED: February 6, 2023.

11 By: /s/ Matthew C. Zirzow  
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